

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TRAVELERS PROPERTY CASUALTY)
COMPANY OF AMERICA,)
Plaintiff,)
v.) No. 4:23-cv-01440-SEP
LEVI C. GRAMLISCH, et al.,)
Defendants.)

MEMORANDUM AND ORDER

Before the Court is Defendants B.N., D.K., J.P.K., and James P. Kinsey, Sr.'s Joint Motion for Judgment on the Pleadings, Doc. [68]. On March 10, 2025, the Court held a Zoom hearing to discuss several issues raised in the parties' briefing. Upon consideration of the parties' arguments, the Court finds that additional briefing is necessary. Accordingly,

IT IS HEREBY ORDERED that Defendants shall provide case law and analysis supporting their position that actual facts known to the insurer are relevant on a motion for judgment on the pleadings *only* if such facts *support* a duty to defend—not if they run counter to such a duty. Defendants are encouraged to address at least *Travelers Ins. Co. v. Cole*, 631 S.W.2d 661 (Mo. Ct. App. 1982), and *Allen v. Continental Western Ins. Co.*, 436 S.W.3d 548 (Mo. 2014). **Defendants' briefing shall not exceed three pages and shall be filed no later than March 19, 2025.**

IT IS FURTHER ORDERED that Plaintiff shall provide the Court with any cases, other than *Travelers Ins. Co. v. Cole*, 631 S.W.2d 661 (Mo. Ct. App. 1982), in which an insurer was found to have *no* duty to defend based on actual facts known to the insurer. **Plaintiff's briefing shall not exceed three pages and shall be filed no later than March 19, 2025.**

Dated this 11th day of March, 2025.



SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE